

2018 TN REG TEXT 512871 (NS)

Tennessee Regulation Text - Netscan
TN ADC 1660-01-34-.01, 02, 03
Emergency Rules
December 27, 2018
Effective: December 21, 2018
The Tennessee Wildlife Resources Agency

Rules and Regulations for Chronic Wasting Disease Zones

Rules and Regulations for Chronic Wasting Disease Zones; Establishment of Chronic Wasting Disease Management Zones; Exportation of Wildlife Carcasses, Parts, and Products from a Chronic Wasting Disease Zone; Feeding of Wildlife within a Chronic Wasting Disease Zone

TN ADC 1660-01-34-.01

TN ADC 1660-01-34-.01

TN ADC 1660-01-34-.02

TN ADC 1660-01-34-.02

TN ADC 1660-01-34-.03

TN ADC 1660-01-34-.03

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Rule ID(s): 7952

File Date: 12/21/18

Last Effective Day: 6/19/19

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

Agency/Board/Commission: Tennessee Wildlife Resources Agency

Division: Wildlife Division

Contact Person: Chris Richardson

Address: P.O. Box 40747, Nashville, Tennessee

Zip: 37204

Phone: 615-308-0477

Email: Chris.Richardson@tn.gov

Revision Type (check all that apply):

☐ Amendment

☒ New

☐ Repeal

Statement of Necessity:

On December 18, 2018, Chronic Wasting Disease (CWD) was confirmed in ten (10) deer harvested by hunters in Hardeman County and Fayette County, Tennessee. To date, these are the only known cases of CWD in Tennessee. The Agency has been conducting CWD surveillance for more than 16 years, testing over 15,000 animals. There is currently no evidence that CWD is present in any other Tennessee county.

CWD is a transmissible disease that affects all cervids, including white-tailed deer and elk native to Tennessee. There is no treatment, and the disease is fatal. A misfolded protein called a prion causes the disease. Prions are nearly impossible to destroy, and they remain in the environment indefinitely. Prions are transmitted through direct animal-to-animal contact, and contact with feces, saliva, urine, contaminated environments, or infected carcass parts. Long after infected carcass remains decompose, the soil around the remains stay infectious, possibly exposing other deer.

The United States Center for Disease Control and Prevention (CDC) and the World Health Organization have reviewed available scientific data. They concluded that there is no strong evidence for the occurrence of CWD in people and that it is not known if people can get infected with CWD prions. However, the CDC recently published guidance on human handling of venison harvested from areas with CWD. The CDC recommends that hunters harvesting a cervid from a CWD endemic area submit a sample of their animal for CWD testing prior to consuming the meat. The CDC also urges hunters, to be safe as possible, to not consume animals known to be positive. As CWD spreads, more animals become infected. As more animals become infected, there is an increased risk of humans consuming infected meat.

Tennessee Code Annotated § 4-5-208 authorizes emergency rules to protect the public from an immediate danger to public safety or welfare. Title 70 requires the Agency to manage, protect, propagate and conserve all wildlife in the state. The Agency

must protect the cervid population from CWD for the benefit of the public welfare. The Agency must also protect the public from the potential safety risk of consuming venison meat infected with CWD. The Agency is addressing these concerns by identifying those areas in which the risk of spreading CWD is greatest and creating CWD Management Zones; prohibiting the transport of carcasses from the greatest risk zones to reduce the risk of spreading CWD; and prohibiting individuals from feeding cervids to reduce the spread of CWD to uninfected cervids.

In order to protect Tennessee's wild cervid herds and to mitigate human health concerns, the Agency needs to take this immediate action to limit the spread of CWD.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number Chapter Title

1660-01-34 Rules and Regulations for Chronic Wasting Disease Zones

Rule Number Rule Title

1660-01-34-.01 Establishment of Chronic Wasting Disease Management Zones

1660-01-34-.02 Exportation of Wildlife Carcasses, Parts, and Products from a Chronic Wasting Disease Zone

1660-01-34-.03 Feeding of Wildlife within a Chronic Wasting Disease Zone

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member Aye No Abstain Absent Signature (if required)

Angie Box X

Jeff Cook X

Bill Cox X

Dennis Gardner X

Kurt Holbert X

Connie King X

Brian McLerran X

Tony Sanders X

James Stroud X

Bill Swan X

Kent Woods X

Jamie Woodson X

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 12/20/2018

Signature: _____

Name of Officer: Ed Carter

Title of Officer: Executive Director Tennessee Wildlife Resources Agency

Subscribed and sworn to before me on: 12/20/2018

Notary Public Signature: _____

My commission expires on: November 8, 2022

Agency/Board/Commission: Tennessee Wildlife Resources Agency

Rule Chapter Number(s): 1660-01-34

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Attorney General and Reporter

12/20/2018

Date

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Filed with the Department of State on: 12/21/18

Effective for: 180 *days

Effective through: 6/19/19

** Emergency rule(s) may be effective for up to 180 days from the date of filing.*

Tre Hargett

Secretary of State

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Agency does not believe that the rule amendment/repeal will have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule establishes Chronic Wasting Disease Management Zones, restricts the exportation of wildlife carcasses from said zones, and prohibits the feeding of wildlife within said zones. There are no relevant changes to current or previous regulations.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Deer hunters, deer processors, taxidermist, and the Tennessee Department of Agriculture.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Unknown

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Chris Richardson, Assistant Director TWRA

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, Assistant Director TWRA

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

P.O. Box 40747, Nashville, TN 37204; 615-308-0477; chris.richardson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None

End of Document

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